

## PROPOSED RULE CHANGES

During the July 21, 2015 meeting of the Texas Board of Veterinary Medical Examiners, the Board voted to propose the following rule changes. The Texas Board of Veterinary Medical Examiners invites comments on the proposed amendments to the rules from any member of the public. A written statement should be mailed or delivered to Loris Jones, Texas Board of Veterinary Medical Examiners, 333 Guadalupe, Ste. 3-810, Austin, Texas 78701-3942, by facsimile (FAX) to (512) 305-7574, or by e-mail [vet.board@veterinary.texas.gov](mailto:vet.board@veterinary.texas.gov). Comments will be accepted for 30 days (**September 11, 2015 – October 11, 2015**) following publication in the *Texas Register*.

## **22 TAC §571.1**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.1, concerning Definitions.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically adds a new definition for "renewal year" to mean the year between the first day of the month after a licensee's birth month and the last day of the licensee's birth month in the following year.

### *§571.1.Definitions.*

The following words and terms, when used in the Veterinary Licensing Act (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571 - 577) shall have the following meaning:

- (1) Board--the Texas Board of Veterinary Medical Examiners.
- (2) EDPE--Equine Dental Provider Jurisprudence Examination.
- (3) Locally derived scaled score--the equivalent of the criterion referenced passing point for the national examination or the NAVLE.
- (4) Name on license--licenses will be issued to successful applicants in the name of the individual as it appears on the birth certificate, court order, marriage license, or documentation of naturalization.
- (5) National Board of Veterinary Medical Examiners (NBVME)--the organization responsible for producing, administering and scoring the NAVLE.
- (6) National examination--the examination in existence and effective prior to the inauguration date of the NAVLE and which consists of the national board examination (NBE) and the clinical competency test (CCT).
- (7) North American Veterinary Licensing Examination (NAVLE)--the examination which replaced the national examination in the year 2000.
- (8) Passing Score--an examination score of at least 75 percent on the national examination and NAVLE, which is based on a locally derived scaled score; an examination score of at least 75 percent on the VTNE, which is based on a locally derived scaled score; an examination score of at least 85 percent on the SBE, the LVTE, or the EDPE. The examination score on the SBE, LVTE, or the EDPE is valid for one year past the date of the examination.
- (9) SBE--State Board Examination.
- (10) School or college of veterinary medicine--a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary

Medical Association (AVMA). Applicants who are graduates of a school or college of veterinary medicine not accredited by the Council on Education of the AVMA are eligible provided that the applicant presents satisfactory proof to the Board that the applicant is a graduate of a school or college of veterinary medicine and possesses an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) certificate.

(11) VTNE--Veterinary Technician National Examination.

(12) LVTE--Licensed Veterinary Technician jurisprudence examination.

(13) Veterinary Technician Program--a program of education for veterinary technicians accredited by AVMA.

(14) Renewal year--the year between the first day of the month after a licensee's birth month and the last day of the licensee's birth month in the following year.

## **22 TAC §571.9**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.9, concerning Special Veterinary Licenses.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically provides that a license will be issued for a renewal year, which is based upon the licensee's birth month rather than based upon the end of the calendar year.

### *§571.9.Special Veterinary Licenses.*

(a) General requirements for special veterinary licensure; examination scores; issuance and renewal.

(1) The Board shall schedule a jurisprudence examination at least once a year for applicants for special veterinary licenses.

(2) An applicant for a special veterinary license under §801.256(a)(1) - (3), Texas Occupations Code, must:

(A) be at the age of majority;

(B) be a graduate of a Board approved veterinary program at an institution of higher education or possess an Educational Commission for Foreign Veterinary Graduates (ECFVG) Certificate or a Program for Assessment of Veterinary Education Equivalence (PAVE) Certificate; or

(C) provide to the Board a written affirmation by the dean of a Board approved veterinary program at an institution of higher education in this state or the executive director of the

Texas Animal Health Commission or the executive director of the Texas Veterinary Medical Diagnostic Laboratory that the applicant:

(i) meets a critical need for staffing at the institution of higher education or the Texas Animal Health Commission or the Texas Veterinary Medical Diagnostic Laboratory; and

(ii) is certified by a nationally recognized veterinary specialty board or is eligible for that certification; and

(D) pass the Board's jurisprudence examination. The applicant must submit a completed application for examination to the Board by no later than forty-five (45) days prior to the examination date. The completed application includes payment of examination fees and certification from the applicant's employer attesting to the applicant's employment position.

(3) For purposes of this section, a "Board approved veterinary program at an institution of higher education" means any program which is recognized and accredited by an appropriate body of the American Veterinary Medical Association (AVMA).

(4) The applicant must submit with his application a written statement from his employer describing the applicant's official duties that require the issuance of a special license under §801.256(a)(1) - (3), Texas Occupations Code. Upon completion of the jurisprudence examination, the Board shall notify the applicant by letter of his score. For candidates who attain a passing score of 85 percent, the letter shall constitute the special license for limited practice in the State of Texas.

(5) A special veterinary license will be issued for the renewal ~~calendar~~ year in which the requirements for licensure have been met. ~~[Annually thereafter, a renewal certificate will be issued upon receipt of a registration renewal form which has been re-certified by the employing official and payment of the annual registration fee.]~~

(6) A special veterinary license is subject to the renewal requirements set out in §801.303, Texas Occupations Code.

(7) An applicant who fails the jurisprudence examination for a special veterinary license and wishes to be re-examined will be required to resubmit an application and fees for a later scheduled jurisprudence examination.

(b) Applicant requirements for unrepresented or under represented specialty practice, as further defined in subsection (c) of this section. An applicant for a special license to practice a veterinary medicine specialty in this state must:

(1) be a graduate of a board approved veterinary program at an institution of higher education as defined in §571.15(a)(3) of this title (relating to Temporary Veterinary License) or possess an ECFVG or PAVE Certificate;

(2) present proof of a current active license in good standing in another state or jurisdiction of the United States that has licensing requirements substantially equivalent to the requirements of the Veterinary Licensing Act, Texas Occupations Code Chapter 801;

(3) not currently be holding a special veterinary license under this section; and

(4) have a certification from an employing sponsor or controlling authority approved by the board that the need for a special veterinary license exists.

(c) The board may issue a special veterinary license to an applicant for an unrepresented or under represented specialty practice if the board finds that:

(1) there is a need, shortage, or demand for the specialty practice in the State of Texas;

(2) the applicant is competent to practice veterinary medicine in the particular specialty; and

(3) the applicant has taken and passed the jurisprudence examination for special veterinary license.

(d) Change of special veterinary license status. A request by the holder of a special veterinary license to change the license from one category to another must be submitted to the Board for approval.

## **22 TAC §571.17**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.17, concerning Expedited Licensure Procedure for Military Spouses.

The Board proposes this amendment in accordance with Senate Bill 1307 (84th Legislature, 2015) to allow military spouses, military veterans, and military service members, as defined by Chapter 55, section 55.001, of the Texas Occupations Code, an expedited and alternative licensure process. Specifically, the Board shall issue a license to any military service member, military veteran, or military spouse who is not otherwise subject to denial of a license, has not surrendered his or her Texas license in lieu of disciplinary action in the past five years, and has held a Texas license within the last five years or holds a current license issued by another jurisdiction that has the substantially the same licensure requirements as Texas.

### *§571.17. Expedited and Alternative Licensure Procedure for Military [Spouses].*

(a) For any military service member, military veteran, or military spouse, as defined under Texas Occupations Code §55.001 [~~§55.001(1-b)~~], the Board shall issue a license if the military service member, military veteran, or military spouse is not subject to denial of license as provided in Texas Occupations Code §801.401 and §801.402 and has not surrendered his or her Texas license in lieu of disciplinary action in the last five years, and held a Texas license within the last five years or holds a current license issued by another jurisdiction that has the following licensure requirements:

(1) Veterinary licensure:

(A) at least a passing score on:

(i) the NAVLE if an applicant sits for that examination subsequent to its inauguration date; or

(ii) the national examination if an applicant sat for that examination prior to the inauguration date of the NAVLE; and

(B) is a graduate of a school or college of veterinary medicine.

(2) Equine Dental Provider licensure:

(A) certified by International Association of Equine Dentists or other Board-approved entity; and

(B) equine dental providers work only under supervision by a veterinarian licensed in the jurisdiction.

(3) Licensed Veterinary Technician licensure:

(A) at least a passing score on the VTNE; and

(B) graduate of Veterinary Technician Program.

(b) A license issued under this section is valid for 12 months from the date the license is issued. When a license issued under this section expires, the licensee must submit information showing that he or she has met all requirements for regular licensure.

(c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.

## **22 TAC §571.55**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.55, concerning Delinquent Letters.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically provides that if a licensee fails to renew his or her license by the end of his or her birth month, then Board staff will send a delinquency letter to that licensee on the 10th calendar day after the end of the licensee's birth month.

### *§571.55.Delinquent Letters.*

The executive director shall prepare monthly ~~annually~~ delinquency letters addressed to all licensees, who are delinquent for the renewal year ending that month, on the 10th calendar day after the end of each month ~~on March 10th of each calendar year~~. A one-year delinquency letter shall be mailed to each delinquent licensee. Once a licensee is delinquent for one year, his/her license is cancelled.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

## **22 TAC §571.56**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.56, concerning Military Service Fee Waiver.

The Board proposes this amendment to waive the license and examination fees for a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for a license from the Board; or a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license from the Board. Further, the amendment provides that no late fee is assessed for failing to timely renew a licensee if such failure is due to the licensee serving as a military service member. The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.

### *§571.56. Military Service Fee Waiver.*

(a) The license and examination fees are waived for a licensee that can prove that he or she is:

(1) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for a license from the Board; or

(2) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for a license from the Board.

(b) No late fee is assessed for failing to timely renew a licensee if such failure is due to the licensee serving as a military service member.

(c) The terms military service member, military veteran, and military spouse are as defined in Chapter 55, §55.001, of the Texas Occupations Code.

~~[Upon submission of a DD214, the active license renewal fee is waived for the remainder of the calendar year in which the veterinary licensee is discharged from military service. A current year renewal certificate will be issued to the veterinary licensee in the same manner as if the active renewal fee had been paid for that particular year. A veterinary licensee's submission of a DD214 places his or her license in active status allowing the veterinary practitioner to practice in the State of Texas or renew their Texas license in inactive status the year following military separation. The waiver of the fee for the balance of the calendar year in which an applicant is discharged from the military service is to be applicable only to those veterinarians who have served at least one year on extended active duty.]~~

## **22 TAC §571.59**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.59, concerning Expired Veterinary Licenses.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically provides that a veterinarian's license expires on the first day of the month following his or her birth month. The veterinarian may renew his or her license during the time period of 90 days prior to the last day of his or her birth month.

The Board further proposes this amendment to clarify that a veterinary licensee who has failed to renew his or her license for a period of one year or more shall have his or her license cancelled.

The Board proposes this amendment in accordance with Senate Bill 1307 (84th Legislature, 2015) to allow military spouses, military veterans, and military service members, as defined by Chapter 55, §55.001, of the Texas Occupations Code, to receive a license even if they have failed to renew their license for a period of one year or more and if they meet the requirements of §571.17 for expedited licensure.

*§571.59.Expired Veterinary Licenses.*

(a) A veterinarian's license expires on the first day of the month following his/her birth month ~~[March 1 of each calendar year]~~ and is considered delinquent. Within 90 days of the last day of the month of a licensee's birth month ~~[On or before March 1]~~, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal.

(b) A veterinary licensee who has failed to renew his or her license for a period of one year or more and wishes to reinstate the license may be required to appear before the Board to explain why the licensee allowed the license to expire and the licensee's reasons for wanting it reinstated. Subject to subsections (c) and (d) of this section, the licensee must take and pass the SBE and comply with §571.3 of this title (relating to Criminal History Evaluation Letters).

(c) A military spouse, military veteran, or military service member, as defined by Chapter 55, §55.001, of the Texas Occupations Code, ~~[veterinary licensee who is the spouse of a person serving on active duty as a member of the armed forces of the United States]~~ who has failed to renew his or her Texas license for a period of one year or more may receive a ~~[provisional]~~ license in accordance with §571.17 ~~[§571.11(e)]~~ of this title (relating to Expedited Licensure Procedure for Military Spouses) if the military spouse, military veteran, or military service member meets the requirements of §571.17. ~~[(relating to Provisional Veterinary Licensure).]~~

(d) A licensee who has failed to renew his or her license for a period of one year or more may reinstate the licensee's expired license without taking and passing the SBE if the licensee:

- (1) previously had a Texas license and lived and/or practiced in Texas;
- (2) moved to another state and is licensed and practices in that state;
- (3) has been practicing in the other state during the past two years preceding application for reinstatement in Texas;



(4) intends to return to and practice in Texas;

(5) furnishes a letter of good standing from all states where the licensee is currently licensed;  
and

(6) submits a complete application for license reinstatement within two years of the date the license expired and could not be renewed.

(e) A veterinary licensee who has failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.

## 22 TAC §571.60

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.60, concerning Expired Licenses for Equine Dental Providers and Licensed Veterinary Technicians.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically provides that an equine dental provider's or a licensed veterinary technician's license expires on the first day of the month following his or her birth month. The licensee may renew his or her license during the time period of 90 days prior to the last day of his or her birth month.

The Board further proposes this amendment to clarify that a licensee who has failed to renew his or her license for a period of one year or more shall have his or her license cancelled.

### *§571.60.Expired Licenses for Equine Dental Providers and Licensed Veterinary Technicians.*

(a) Licensed veterinary technician and equine dental provider licenses expire on the first day of the month after his/her birth month ~~[March 1 of each calendar year]~~ and are considered delinquent. Within 90 days of the last day of a licensee's birth month ~~[On or before March 1]~~, a licensee must renew an unexpired license, in writing, by paying the required fee and furnishing all information required by the Board for renewal.

(b) A licensed veterinary technician or an equine dental provider licensee, who has failed to renew his or her license for a period of one year or more and wishes to reinstate the license, may be required to appear before the Board to explain why the licensee allowed the license to expire and the licensee's reasons for wanting it reinstated. The licensee must take and pass the EDPE or the LVTE, as appropriate for his or her license.

(c) A licensed veterinary technician or an equine dental provider licensee, who is the spouse of a person serving on active duty as a member of the armed forces of the United States who held an equine dental provider or veterinary technician license in Texas within the past five years, and has failed to renew his or her license for a period of one year or more while the licensee was living in another state for at least six months, may reinstate his or her license without appearing before the Board. The licensee must still take and pass the EDPE or the LVTE, as appropriate for his or her license.

(d) A licensed veterinary technician or equine dental provider licensee, who had failed to renew his or her license for a period of one year or more, shall have his or her license cancelled.

## 22 TAC §571.61

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §571.61, concerning Inactive License Status.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than upon a calendar year. This amendment specifically provides that a licensee's request that his or her license be placed on inactive status must be made within three months prior to the first day of the licensee's birth month. The amendment further states that the terms "year" and "annual" means the "renewal year" in regards to continuing education requirements for inactive status licensees.

### *§571.61. Inactive License Status.*

(a) Application. A licensee may request his/her license be placed on inactive status, whether or not he/she is practicing within the State of Texas, provided:

- (1) his or her current license is active and is in good standing;
- (2) a request in writing, on the form prescribed by the Board, is made for his or her license to be placed on official inactive status; and
- (3) the original request is made during the annual license renewal period within three months prior to the first day of the licensee's birth month ~~[between January 1 and February 28]~~; provided however, that subsequent requests for continued inactive status may be accepted by the Board at any time during the renewal year if accompanied by the appropriate delinquent penalty.

(b) Restrictions. The following restrictions shall apply to veterinary licensees whose licenses are on inactive status:

- (1) Except as provided in §801.004, Texas Occupations Code, the licensee may not engage in the practice of veterinary medicine or otherwise provide treatment to any animal in the State of Texas.
- (2) If the licensee possesses or obtains a federal Drug Enforcement Administration (DEA) and/or a Department of Public Safety (DPS) controlled substances registration for a Texas location, the licensee must comply with §573.43 and §573.50 of this title (relating to Misuse of DEA Narcotics Registration and Controlled Substances Records Keeping for Drugs on Hand, respectively).

(c) Return to Active Status. A licensee on inactive status wishing to practice within the State of Texas must receive written approval from the Board prior to returning to active status. In addition to other information which may be requested or required by the Board, the following conditions apply to licensees applying to return to active status.

- (1) A licensee who is licensed and practicing in another state or jurisdiction must prove he or she is in good standing in that state or jurisdiction.

(2) A licensee on inactive status must pay the total annual renewal fee, less the amount of the inactive annual renewal fee, plus a \$25 administrative processing fee to obtain a regular license. The regular annual renewal fee shall not be prorated for applications to return to active status made after the annual renewal period.

(d) Continuing Education Requirements.

(1) If a licensee on inactive status requesting a return to regular license status has maintained an annual average equal to the number of continuing education hours required annually for renewal of the license, not including any portion of the reactivation year, the licensee will be placed on regular license status without any additional requirements. If the average annual continuing education is less than the number of hours required annually for renewal of the license, the licensee will be placed on regular license status but must complete twice as many continuing education hours as is required to renew the license in the twelve months immediately following the licensee's attaining of regular license status.

(2) For the year of reactivation, proof of continuing education shall not be required for an active license renewal in the year following reactivation.

(3) For purposes of this subsection, the terms "year" and "annual" mean the renewal ~~calendar~~ year.

(e) Cancellation of Inactive License. A license maintained on inactive status will be automatically cancelled at the end of nine consecutive years. A new license will be issued only upon completion of all requirements for licensure. During the ninth consecutive year of inactive status, the Board will notify the inactive licensee that during the following year, his or her license must be on regular status or the license will be cancelled.

(f) Annual Renewal Fees. The annual fee for a license on inactive status shall be as set by the Board in §577.15 of this title (relating to Fee Schedule).

## **22 TAC §573.4**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.4, concerning Adherence to the Law.

Section 573.4 requires licensees to not violate the laws of Texas, other states, or the United States. The rule currently references the specific criminal acts enumerated in §575.50(e); however, the criminal acts are actually enumerated in §575.50(f). The Board proposes this amendment simply to correct the incorrect citation.

### *§573.4.Adherence to the Law.*

No licensee shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the licensee's professional practice, including, but not limited to, the acts enumerated in §575.50(f) [~~§575.50(e)~~] of this title (relating to Criminal Convictions). A complaint, indictment, or conviction of a law violation is not necessary for the enforcement of this rule. Proof of the commission of the act while in the practice of, or under the guise of the practice of, either veterinary medicine or equine dentistry, is sufficient for action by the Board under this rule.

## **22 TAC §573.7**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.7, concerning No Abuse of Position or Trust.

The Board proposes this amendment to improve the organization of §573.7 and to clarify the long held interpretation of the current rule that a licensee may not request or require a client or another person to waive his or her right to file a complaint with the Board.

### *§573.7.No Abuse of Position or Trust.*

(a) Any licensee who uses present or past position, or office of trust, deliberately to create an individual professional advantage, or to coerce, or to deceive the public shall be in violation of the rules of professional conduct.

(b) A licensee may not influence, or attempt to influence, the statement, response, or opinion of any person, licensed or unlicensed, to the Board if the Board has requested the statement or opinion.

(c) A licensee may not request or require a client or another person to waive his or her right to file a complaint with the Board.

## 22 TAC §573.43

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.43, concerning Controlled Substances Registration.

The Board proposes this amendment in accordance with Senate Bill 195 (84th Legislature, 2015), which provides that a person who is not registered with or exempt from registration with the Federal Drug Enforcement Administration ("DEA"), may not manufacture, distribute, prescribe, possess, analyze, or dispense a controlled substance in Texas. Section 573.43 currently permits a licensed veterinarian who is registered with DEA to supervise or employ a non-registered veterinarian. This exception is not in accordance with DEA regulations and is not permitted by any other health profession in Texas. The Board proposes this amendment to require all veterinarians to register with the DEA in order to manufacture, distribute, prescribe, possess, analyze, or dispense a controlled substance. This amendment makes all relevant veterinarians personally accountable for how they each handle controlled substances, rather than just the owner of a clinic being responsible.

### *§573.43. Controlled Substances Registration.*

(a) ~~A [Subject to subsection (b) of this section, a]~~ licensed veterinarian may not prescribe, administer, dispense, deliver, or order delivered, any controlled substance unless the licensed veterinarian is currently registered with the federal Drug Enforcement Administration (DEA) and the Texas Department of Public Safety (DPS) to dispense controlled substances if such registration is required by other state or federal law.

~~[(b) The requirement for DEA registration is waived for a licensed veterinarian who is not registered with the DEA to dispense controlled substances if:]~~

~~[(1) a licensed veterinarian who is registered with the DEA to dispense controlled substances (registrant) supervises or employs the veterinarian who is not registered with the DEA to dispense controlled substances (non-registrant);]~~

~~[(2) the registrant has knowledge that the non-registrant is dispensing and/or administering controlled substances in the usual course of the non-registrant's duties;]~~

~~[(3) the registrant has given written permission for the non-registrant to dispense/administer under the registrant's license; and]~~

~~[(4) the registrant has actual knowledge that the non-registrant is currently registered with the DPS and holds a current DPS controlled substances certificate.]~~

~~[(c) A licensed veterinarian who is not registered with the DEA but is registered with the DPS to dispense controlled substances and holds a current DPS controlled substances certificate may dispense and administer controlled substances, but may not procure, purchase or issue a prescription for a controlled substance.]~~

(b) ~~[(d)]~~ A licensed veterinarian registered with the DEA and/or DPS must comply with all relevant statutes and rules as required by DEA and/or DPS, including but not limited to chapter 481 of the

Texas Health and Safety Code, Chapter 13 of Part 1 of Title 37 of the Texas Administrative Code, and Chapter 13 of Title 21 of United States Code.

## **22 TAC §573.50**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.50, concerning Controlled Substances Records Keeping for Drugs on Hand.

The Board proposes this amendment to require records regarding controlled substances be complete, contemporaneous, and legible. These requirements are consistent with Board rule §573.52 regarding Patient Record Keeping. Board staff has experienced difficulty with certain controlled substances records not being legible or complete and with the records not being created around the time the controlled substances are actually utilized. These issues can create an environment within a veterinary clinic for potential diversion of controlled substances as the records are not adequately documenting the use of the controlled substances.

### *§573.50. Controlled Substances Records Keeping for Drugs on Hand.*

Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act in their possession. These records shall be maintained for a minimum of five years. A record shall be kept for each scheduled drug. The records shall be complete, contemporaneous, and legible. The record shall contain the following information in addition to the name of the drug:

- (1) date of acquisition;
- (2) quantity purchased;
- (3) date administered or dispensed;
- (4) quantity administered or dispensed;
- (5) name of client and patient receiving the drug(s); and
- (6) total balance on hand of the scheduled drug.

## **22 TAC §573.54**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.54, concerning Patient Records Release and Charges.

The Board proposes this amendment to allow a veterinarian greater than 15 days to provide requested patient records to a client if the veterinarian informs the client in writing of how long it will take to furnish the records and the reason for the delayed production. The records must be provided no later than 30 days after the initial request. However, if the records are requested due to an acute or emergency situation, the veterinarian must provide the records within 24 hours.

*§573.54. Patient Records Release and Charges.*

(a) Release of records pursuant to request. Upon the request of the client or their authorized representative, the veterinarian shall furnish a copy of the patient records, including a copy of any radiographs requested, within 15 business days of the request or in accordance with subsection (f) of this section, unless a longer period is reasonably required to duplicate the records. If a longer period is necessary and prior to the 15 business day deadline, the veterinarian must inform the client in writing how long it will take to furnish the records and why production of the records is delayed. The records must be provided no later than 30 calendar days after the request. If the records are requested for acute/emergency care, the veterinarian must provide the records immediately and no later than 24 hours.

(b) Contents of records. For purposes of this section, "patient records" shall include those records as defined in §573.52 of this title (relating to Veterinarian Patient Record Keeping).

(c) Allowable charges. The veterinarian may charge a reasonable fee for this service and, in non-emergency and non-acute situations, may withhold the records until such payment is received. A reasonable fee shall include only the cost of:

- (1) copying, including the labor and cost of supplies for copying;
- (2) postage, when the individual has requested the copy or summary be mailed; and
- (3) preparing a summary of the records when appropriate.

(d) Improper withholding for past due accounts. Patient records requested pursuant to a proper request for release may not be withheld from the client, the client's authorized agent, or the client's designated recipient for such records based on a past due account for care or treatment previously rendered to the patient.

(e) The veterinarian shall be entitled to the reasonable fee prior to the release of the records unless the information is requested by another veterinarian or his or her agent for purposes of emergency or acute medical care.

(f) The veterinarian must notify the requestor of records the amount of the reasonable fee within five (5) business days of the request. Once the veterinarian receives written or verbal notice from the requestor that the requestor accepts the reasonable fee and will pick up the records, the veterinarian must have the records copied and ready for delivery within ten (10) business days of receiving such notice.



## 22 TAC §573.64

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.64, concerning Continuing Education Requirements.

The Board proposes this amendment to create a new license renewal period based upon a licensee's birth month rather than on a calendar year basis. This amendment specifically changes the requirement for continuing education for licensees from being based upon a calendar year to being based upon the renewal year. Further, in accordance with Senate Bill 1307 (84th Legislature, 2015), the Board proposes this amendment to allow military service members, as defined by Chapter 55, §55.001, of the Texas Occupations Code, to have up to two years to complete the required continuing education requirements for each renewal year.

### *§573.64. Continuing Education Requirements.*

#### (a) Required Continuing Education Hours.

(1) Licensed Veterinarians. Seventeen (17) hours of acceptable continuing education shall be required annually for renewal of all types of Texas veterinary licenses, except as provided in subsection (b) of this section. Veterinary licensees who successfully complete the Texas State Board Licensing Examination shall receive credit for 17 continuing education hours for the renewal ~~calendar~~ year in which they were examined and licensed.

(2) Licensed Equine Dental Providers. Six (6) hours of acceptable continuing education shall be required annually for renewal of Texas equine dental provider licenses.

(3) Licensed Veterinary Technicians. Ten (10) hours of acceptable continuing education shall be required annually for renewal of Texas veterinary technician licenses.

(4) A licensee shall earn the required hours of acceptable continuing education during the renewal ~~calendar~~ year immediately preceding the licensee's application for license renewal. Should a licensee earn acceptable continuing education hours during the year in excess of the required hours, the licensee may carry over and apply the excess hours to the requirement for the next year. Licensees may carry over excess hours to the following year only, and may not carry over more hours than the licensee is required to earn in a renewal ~~calendar~~ year.

(5) Hardship extensions may be granted by appeal to the Executive Director of the Board. The executive director shall only consider requests for a hardship extension from licensees who were prevented from completing the required continuing education hours due to circumstances beyond the licensee's control. A hardship extension generally will not be allowed due to financial hardship or lack of time due to a busy professional or personal schedule. Requests for a hardship extension must be received in writing and in the Board offices by no later than the 15th day of the month three (3) months prior to the last day of the licensee's birth month ~~December 15~~. Should such extension be granted, twice the number of hours of continuing education required for a standard annual license renewal shall be obtained in the two-year period of time that includes the year of insufficiency and the year of extension. Licensees receiving a hardship extension shall maintain records of the continuing education obtained and shall file copies of

these records with the Board by attaching the records to the license renewal application submitted following the extension year, or by sending them to the Board separately if the licensee submits his or her renewal application electronically (on-line).

(6) A military service member, as defined in Chapter 55, §55.001, of the Texas Occupations Code, has up to two years to complete the required continuing education requirements for each renewal year.

(b) Exemption from Continuing Education Requirements for Veterinary Licensees. A veterinary licensee is not required to obtain or report continuing education hours, provided that the veterinary licensee submits to the Board sufficient proof that during the preceding year the veterinary licensee was:

(1) in retired status;

(2) a veterinary intern or resident; or

(3) out-of-country on charitable, military, or special government assignments for at least nine (9) months in a year; or

(4) on inactive status. Veterinary licensees on inactive status may voluntarily acquire continuing education for purposes of reinstating his/her license to regular status.

(c) Make up Hours. The Board may require a licensee who does not complete the required hours of continuing education to make up the missed hours in later years. Hours required to be made up in a later year are in addition to the continuing education hours required to be completed in that year.

## **22 TAC §573.71**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.71, concerning Operation of Temporary Limited-Service Veterinary Services.

Currently, the Board requires any temporary limited-service clinic to provide notification to the Board office at least 48 hours prior to the clinic beginning its operation. However, Board staff have received notice from certain clinics giving perpetual notice, such as "every Saturday." This type of notice is difficult to track. Further, there is currently no requirement to notify the Board of cancellations. Notice is required so that the Board can properly inspect these clinics to better protect the public. The Board proposes this amendment to allow for advance notice up to 90 days prior to the clinic operation for a particular day. Any cancellations of a clinic must be received by the Board within 48 hours before the clinic was originally scheduled to operate.

### *§573.71. Operation of Temporary Limited-Service Veterinary Services.*

(a) Requirements for operation. Veterinarians operating temporary limited service clinics shall:

(1) maintain sanitary conditions at the clinic site, including, but not limited to, removal of animal solid waste and sanitizing/disinfecting of urine and solid waste sites;

- (2) provide injections with sterile disposable needles and syringes;
- (3) utilize a non-porous table for examining and/or injecting small animals;
- (4) maintain biologics and injectable medications between temperature ranges of 35 to 45 degrees Fahrenheit;
- (5) perform and complete blood and fecal examinations before dispensing relevant federal legend medications;
- (6) maintain rabies vaccination records and treatment records for five years, indexed alphabetically by the client's last name and by vaccination tag numbers, if issued; and
- (7) provide clients with a printed form that contains the identity of the administering veterinarian and the address of the places where the records are to be maintained.

(b) Required notification to the Board prior to operation. Before any temporary limited-service clinic may be operated, the veterinarian is required to provide notification to the Board office at least 48 hours before the clinic begins operation. Notice may be provided no more than 90 days prior to the clinic operating for a particular day and any cancellations of operation must be provided to the Board within 48 hours before the clinic was to operate. Notice must include the veterinarian's full name, license number, and daytime phone number; the date the clinic will be held, the specific location of where the clinic will be held, and times of operation; and the permanent address where records for the clinic will be kept. Notice may be by electronic transmission or mail. Mailed notice will be considered to have met the notification requirement if the written notice is postmarked at least five days prior to the operation of the clinic.

## **22 TAC §573.72**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.72, concerning Employment by Nonprofit or Municipal Corporations.

Currently, §573.72 provides that employment by or contractual service to a nonprofit or municipal corporation does not exempt the veterinarian from any of the provisions of the Veterinary Licensing Act or the Board's rules. The Board proposes this amendment to add the word "alone" prior to the word "exempt." Further, the rule currently states that veterinarians employed by, or contracted to, nonprofit or municipal corporations shall be liable for any violations of the Act or rules occurring as a result of the practice of veterinary medicine or any veterinary services provided by the nonprofit or municipal corporation, including those occurring due to the acts or omissions of non-licensed employees of, or volunteers for, the nonprofit or municipal corporation. The Board proposes this amendment to add the phrase, "unless otherwise exempt from the Veterinary Licensing Act under §801.004."

The Board proposes these changes to clarify the rule and to include the Board's long held interpretation of the rule. While exemptions to the Veterinary Licensing Act exist in statute, they require greater elements to be met than simply employment by a municipal or nonprofit corporation. The Board has always interpreted the rules to not apply to an individual who is exempt from the Act. However, this amendment simply clarifies that interpretation.

*§573.72. Employment by Nonprofit or Municipal Corporations.*

(a) A nonprofit or municipal corporation may employ or contract with a veterinarian to provide veterinary services in connection with sheltering, sterilization, vaccination, or other medical care and treatment of animals.

(b) Employment by or contractual service to a nonprofit or municipal corporation does not alone exempt the veterinarian from any of the provisions of the Veterinary Licensing Act or the Board's rules.

(c) Veterinarians employed by, or contracted to, nonprofit or municipal corporations shall be liable for any violations of the Act or rules occurring as a result of the practice of veterinary medicine or any veterinary services provided by the nonprofit or municipal corporation, including those occurring due to the acts or omissions of non-licensed employees of, or volunteers for, the nonprofit or municipal corporation, unless otherwise exempt from the Veterinary Licensing Act under §801.004.

**22 TAC §573.80**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §573.80, concerning Definitions.

Currently, §573.80 provides definitions regarding "direct supervision" and "immediate supervision." Those current definitions relate to the supervision provided by a veterinarian. However, the Board now licenses Equine Dental Providers and Licensed Veterinary Technicians. The Board proposes this amendment to have the definitions regarding supervision be inclusive of all licensees.

*§573.80. Definitions.*

The following words and terms, when used in the Veterinary Licensing Act (Chapter 801, Texas Occupations Code) or the Rules of the Board (Texas Administrative Code, Title 22, Part 24, Chapters 571, 573, 575, and 577) shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accepted livestock management practices--those practices involving animals raised or produced primarily for food, fiber, or other products for human consumption, and may include the following:

(A) branding, tattooing, ear tags or identifying marks of any kind;

(B) tail docking, except cosmetic tail docking that is performed for appearance purposes only;

(C) earmarking;

(D) routine dehorning, except cosmetic dehorning that reshapes or alters the poll area for appearance purposes;

(E) castration;

(F) non-surgical assistance with birthing;

(G) implantation with approved implant products;

(H) administration of a biologic, except where restricted by law to administration by a veterinarian, and not including deworming by use of stomach tubing;

(I) artificial insemination;

(J) shoeing and trimming hooves; and

(K) application or administration of parasiticides, except where restricted by law.

(2) Designated caretaker--a person to whom the owner of an animal has given specific authority to care for the animal and who has not been designated, by using the pretext of being a designated caretaker, to circumvent the Veterinary Licensing Act (Chapter 801, Texas Occupations Code) by engaging in any aspect of the practice of veterinary medicine (including alternate therapies). A designated caretaker who treats an animal for a condition that the animal was known or suspected of having prior to the person being named a designated caretaker, is presumed to be attempting to circumvent the Veterinary Licensing Act unless the designated caretaker is following the instruction of a veterinarian and is under the appropriate level of supervision per board rules. In this situation, the designated caretaker may present evidence to rebut the presumption.

(3) Food production animals--any mammals, poultry, fowl, fish or other animals that are raised primarily for human food consumption.

(4) Biologic--any serum, vaccine, antitoxin, or antigen used in the prevention or treatment of disease.

(5) Pregnancy testing--the diagnosis of the physical condition of pregnancy by any method other than the gross visual observation of the animal.

(6) Invasive dentistry or invasive dental procedures--exposing of the dental pulp, or performing extractions.

(7) Consultation--the act of rendering professional advice (diagnosis and prognosis) about a specific veterinary medical case, but does not include treatment or surgery.

(8) General Supervision--a veterinarian required to generally supervise a non-veterinarian must be readily available to communicate with the person under supervision.

(9) Direct Supervision--a licensee ~~[veterinarian]~~ required to directly supervise a person ~~[non-veterinarian]~~ must be physically present on the same premises as the person under supervision.

(10) Immediate Supervision--a licensee ~~[veterinarian]~~ required to immediately supervise a person ~~[non-veterinarian]~~ must be within audible and visual range of both the animal patient and the person under supervision.

(11) Official Health Documents--any certificate attesting to the health, vaccination status, physical condition and/or soundness of an animal.

(12) Specialist--a veterinarian that is a Board Certified Diplomate of a specialty organization recognized by the American Veterinary Medical Association.

(13) Non-veterinarian employee--an individual paid directly by a veterinarian for work involving the practice of veterinary medicine, as defined in the Veterinary Licensing Act, Texas Occupations Code, §801.002(5), regardless of the defined status of the employment relationship between the individual and the veterinarian under Internal Revenue Service regulations.

(14) Herd--a group of animals of the same species, managed as a group and confined to a specific geographic location. A herd may not include dogs, cats, any animal in individual training, or any animal that competes as an individual.

## **22 TAC §575.22**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §575.22, concerning Reinstatement of Licenses.

Currently, §575.22 refers to licenses that have been "cancelled;" however, "cancelled" is meant to reference licenses that have been actually surrendered in lieu of disciplinary action rather than "cancelled" licenses that have simply expired for a year or more. The Board proposes this amendment to clarify that this rule is addressing the reinstatement of licenses that were surrendered in lieu of disciplinary action.

The Board also proposes this amendment to allow persons seeking reinstatement of a license to appear before the Board's Enforcement Committee rather than the full Board. This allows petitioners more opportunities to be seen as the Enforcement Committee meets more often than the full Board.

### *§575.22.Reinstatement of Licenses.*

(a) A person whose license has been surrendered ~~[cancelled]~~ or revoked, whether by voluntary action or by disciplinary action of the Board, may after five (5) years from the effective date of such surrender ~~[cancellation]~~ or revocation, petition the Board for reinstatement of the license, unless another time is provided in the surrender ~~[cancellation]~~ or revocation order, or unless no provision was made in the order for reinstatement. This section does not apply to licensees who let their licenses lapse for non-payment of renewal fees or licensees against whom a surrender ~~[cancellation]~~ or revocation proceeding is not pending before the Board or in any other jurisdiction.

(b) The petition shall be in writing and in the form prescribed by the Board.

(c) After consideration of the petition for reinstatement, the Board may:

(1) deny reinstatement of the license;

(2) reinstate and probate the licensee for a specified period of time under specified conditions;  
or

(3) authorize reinstatement of the licensee.

(d) If the petition is denied by the Board, a subsequent petition may not be considered by the Board until twelve (12) months have lapsed from the date of denial of the previous petition.

(e) The petitioner or their legal representative must appear before the Board or the Board's Enforcement Committee to present the request for reinstatement of the license.

(f) The petitioner shall have the burden of showing good cause why the license should be reinstated.

(g) In considering a petition for reinstatement, the Board may consider the petitioner's:

(1) moral character;

(2) employment history;

(3) status of financial support to petitioner's family;

(4) participation in continuing education programs or other methods of staying current with the individual's area of practice;

(5) criminal history record, including felonies or misdemeanors relating to the practice of veterinary medicine, the practice of equine dentistry, and/or moral turpitude;

(6) offers of employment as a veterinarian, licensed veterinary technician, or equine dental practitioner;

(7) involvement in public service activities in the community;

(8) compliance with the provisions of the Board order revoking or canceling the petitioner's license;

(9) compliance with provisions of the Veterinary Licensing Act regarding unauthorized practice;

(10) history of acts or actions by any other state and federal regulatory agencies; and

(11) any physical, chemical, emotional, or mental impairment.

(h) In considering a petition, the Board may also consider:

(1) the gravity of the offense for which the petitioner's license was cancelled, revoked or restricted and the impact the offense had upon the public health, safety, and welfare;

(2) the length of time since the petitioner's license was cancelled, revoked, or restricted, as a factor in determining whether the time period has been sufficient for the petitioner to have been rehabilitated sufficiently to be able to practice in a manner consistent with the public health, safety and welfare;

(3) whether the license was submitted voluntarily for cancellation at the request of the licensee; and

(4) other rehabilitative actions taken by the petitioner.

(i) If the Board grants the petition for reinstatement, the petitioner must successfully complete the Texas State Board Licensing Examination in their area of practice during the regularly scheduled examination times. The Board may also require the petitioner to complete additional testing to assure the petitioner's competency to practice.



## 22 TAC §575.27

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §575.27, concerning Complaints--Receipt.

The Board proposes this amendment to correct the Board's website address to refer to the new Board website address. The Board further proposes this amendment to provide procedures for when multiple complaints are received regarding the same licensee and the same alleged facts. This amendment permits the complaints to be combined into one investigation and one file. The director of enforcement would be allowed to elect to divide multiple complaints into multiple cases based upon the timing of the receipt of the complaints. This is currently the practice of the Board.

### *§575.27.Complaints--Receipt.*

#### (a) Complaints against licensees.

(1) All complaints filed by the public against Board licensees must be in writing on a complaint form provided by the Board and signed by the complainant. The Board-approved complaint form can be obtained free of charge from the Board office or downloaded from the Board's website at <http://www.veterinary.texas.gov> [~~<http://www.tbvme.state.tx.us>~~]. If a complaint is transmitted to the Board orally or by means other than in writing and the complaint alleges facts showing a continuing or imminent threat to the public welfare, the requirement of a written complaint may be waived until later in the investigative process.

(2) The Board may file a complaint on its own initiative.

(3) Complaints by the Board's enforcement section shall be initiated by the opening of a complaint file.

(4) Anonymous written complaints will normally not be investigated, but may be investigated if sufficient information exists for the Board to file a complaint under paragraph (2) of this subsection.

(5) The Board shall utilize violation code numbers to distinguish between categories of complaints.

(6) The Board may not consider a complaint that is filed with the Board after the fourth anniversary of the latest date:

(A) the act that is the basis of the complaint occurred; or

(B) the earlier of when the complainant discovered, or in the exercise of reasonable diligence should have discovered, the occurrence of the act that is the basis of the complaint.

(7) If the Board receives multiple complaints regarding the same licensee and the same alleged facts, the Board may combine the complaints into one investigation and one file. The director of

enforcement may elect to divide multiple complaints regarding the same licensee and the same alleged facts into multiple cases based upon the timing of the receipt of such complaints.

(b) Complaints against non-licensees. Complaints against persons alleged to be practicing veterinary medicine or equine dentistry without a license may be investigated and resolved informally by the executive director with the consent of the non-licensee, or the Board may utilize formal cease and desist procedures specified in §801.508, Occupations Code. Complaints not resolved by the executive director may be referred to a local prosecutor or the attorney general for legal action, as well as addressed in §801.508 of the Occupations Code.

(c) Report to the Board of dismissed complaints. The executive director or the executive director's designee shall advise the Board at each scheduled meeting of the complaints dismissed since the last meeting.

(d) Use of Private Investigators. The executive director may approve the use of private investigators to assist in investigation of complaints where the use of Board investigators is not feasible or economical or where private investigators could provide valuable assistance to the Board investigators. Private investigators may be utilized in cases involving honesty, integrity and fair dealing; reinstatement applications; solicitation; fraud; dangerous drugs and controlled substances; and practicing veterinary medicine or equine dentistry without a license. Private investigators will be utilized in accordance with existing purchasing rules of the Comptroller of Public Accounts.

## **22 TAC §575.28**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §575.28, concerning Complaints-Investigations.

The Board proposes this amendment to allow the director of enforcement to conclude that a complaint has been addressed as part of a previously filed complaint and related investigation regarding the same licensee and the same alleged facts and then recommend that an investigation not be initiated. This process allows the Board to conserve resources. Additionally, the current rule provides that the executive director must concur with the director of enforcement's recommendation that an investigation should not be initiated. The Board proposes this amendment to require the general counsel to concur with the director of enforcement rather than the executive director.

*§575.28.Complaints--Investigations.*

Investigation of complaints.

(1) Policy. The policy of the Board is that the investigation of complaints shall be the primary concern of the Board's enforcement program, and shall take precedence over all other elements of the enforcement program, including compliance inspections.

(2) Priority. The Board shall investigate complaints based on the following allegations, in order of priority:

(A) acts or omissions, including those related to substance abuse, that may constitute a continuing and imminent threat to the public welfare;

(B) acts or omissions of a licensee that resulted in the death of an animal;

(C) acts or omissions of a licensee that contributed to or did not correct the illness, injury or suffering of an animal; and

(D) all other acts and omissions that do not fall within subparagraphs (A) - (C) of this paragraph.

(3) Upon receipt of a complaint, a letter of acknowledgment will be promptly mailed to the complainant unless the complainant is the Board.

(4) Complaints will be reviewed every thirty (30) days to determine the status of the complaint. Parties to a complaint will be informed on the status of a complaint at approximately 45 day intervals.

(5) Upon receipt of a complaint, the director of enforcement, or their designee, will review it and may interview the complainant to obtain additional information. If the director of enforcement concludes that the complaint resulted from a misunderstanding, is outside the jurisdiction of the Board, has been addressed as part of a previously filed complaint and related investigation regarding the same licensee and the same alleged facts, or is without merit, the director of enforcement shall recommend through the general counsel to the executive director that an investigation not be initiated. If the general counsel ~~[executive director]~~ concurs with the recommendation, the complainant will be so notified. If the general counsel ~~[executive director]~~ does not concur with the recommendations, an investigation will be initiated.

(6) The director of enforcement will assign a member of board staff to investigate the complaint. A summary of the allegations in the complaint will be sent to the licensee who is the subject of the complaint, along with a request that the licensee respond in writing within 21 days of receipt of the request. The licensee will also be asked to provide a copy of the relevant patient records with the response. The licensee is entitled on request to review the complaint submitted to the Board unless board staff determines that allowing the licensee to review the complaint would jeopardize an active investigation.

(7) After the licensee's response to the complaint is received, board staff shall send a copy of the licensee's response to the complainant, unless the complainant is the Board, along with notification that the complainant may submit additional comments and other evidence, if any, at any time during the investigation to the Board. Board staff shall provide any response provided by the complainant to the licensee, unless board staff determines that allowing the licensee to review the response from the complainant would jeopardize an active investigation, and provide a single opportunity for the licensee to respond to the Board within ten days of receipt. No further responses from either the licensee or the complainant will be provided to either party.

(8) Further investigation may be necessary to corroborate the information provided by the complainant and the licensee. During the investigation, board staff shall attempt to interview by telephone the complainant, and if unable to contact the complainant shall document such in the file. Other persons, such as second opinion or consulting veterinarians, may be contacted. Board staff may request additional medical opinions, supporting documents, and interviews with other witnesses.

(9) Upon the completion of an initial investigation, board staff shall prepare a report of investigation (ROI) for review by the director of enforcement.

(A) If the director of enforcement determines from the ROI that the probability of a violation involving medical judgment or practice exists, the director of enforcement will forward the ROI to the executive director. If the executive director concurs that the probability of a violation involving medical judgment or practice exists, the director of enforcement shall forward a copy of the ROI and complaint file to two veterinary licensee board members (veterinarian members) who will determine whether or not the complaint should be closed, further investigation is warranted, or if the licensee and complainant should be invited to respond to the complainant at an informal conference at the board offices.

(B) If the director of enforcement determines from the ROI that the probable violation does not involve medical judgment or practice (example: administrative matters such as continuing education and federal and state controlled substances certificates), the director of enforcement shall forward the complaint file to a committee of the executive director, director of enforcement, member of board staff assigned to investigate the complaint, and general counsel (the "staff committee"), which shall determine whether or not the complaint should be dismissed, investigated further, or settled.

(C) If the veterinarian members determine that a violation has not occurred, the executive director or the executive director's designee, shall notify the complainant and licensee in writing of the conclusion and that the complaint is dismissed.

(D) If the veterinarian members conclude that a probable violation(s) exists, the executive director or the executive director's designee, shall invite the licensee and complainant, in writing, to an informal conference to discuss the complaint made against the licensee. If the veterinarian members cannot agree to dismiss or refer the complaint to an informal conference, the complaint will be automatically referred to an informal conference. The letter invitation to the licensee must include a list of the specific allegations of the complaint.

(E) A complaint considered by the staff committee shall be referred to an informal conference if:

(i) the staff committee determines that the complaint should not be dismissed or settled;

(ii) the staff committee is unable to reach an agreed settlement; or

(iii) the licensee who is the subject of the complaint requests that the complaint be referred to an informal conference.

## **22 TAC §577.15**

The Texas Board of Veterinary Medical Examiners (Board) proposes an amendment to §577.15, concerning the Fee Schedule.

The Board proposes an amendment to §577.15 to eliminate the \$200 professional fees, in accordance with House Bill 7 (84th Legislature, 2015). Further, the Board proposes this amendment to decrease fees for all licensee categories except to slightly increase the fees for special veterinary licenses due to the resources involved in awarding such licenses.

The Board proposes this amendment to create fees for certain services the Board provides that consume the Board's resources. Specifically, the Board proposes a fee of \$25 for providing letters of good standing, \$25 for review of a continuing education program, and \$50 for review of a continuing education program that is submitted less than 30 days prior to the event.

### *§577.15.Fee Schedule.*

The Texas Board of Veterinary Medical Examiners has established the following fixed fees as reasonable and necessary for the administration of its functions. Other variable fees exist, including but not limited to costs as described in §575.10 of this title (relating to Costs of Administrative Hearings), and are not included in this schedule.

[Figure: 22 TAC §577.15](#)

Figure: 22 TAC §577.15

(a) APPLICATION FOR INITIAL LICENSE

Type of License Application	Total Fee
Veterinary Regular License	<del>\$555</del> <u>515</u>
Veterinary Special License	<del>\$555</del> <u>575</u>
Veterinary Provisional License	<del>\$605</del> <u>600</u>
Veterinary Temporary License	<del>\$300</del> <u>200</u>
Equine Dental Provider License	<del>\$200</del> <u>100</u>
Veterinary Technician License	<del>\$70</del> <u>50</u>

(b) LICENSE RENEWALS

(1) Current License Renewals

Type Of License	Board Fees	Professional Fees	Total Fee
Veterinary Regular License	<del>\$170</del> <u>159</u>	<del>\$200</del>	<del>\$370</del>
Veterinary Special License	<del>\$165</del> <u>174</u>	<del>\$200</del>	<del>\$365</del>
Veterinary Inactive License	<del>\$170</del> <u>105</u>	<del>\$0</del>	<del>\$170</del>
Equine Dental Provider License	<del>\$205</del> <u>65</u>	<del>\$0</del>	<del>\$205</del>
Equine Dental Provider Inactive License	<del>\$105</del> <u>55</u>	<del>\$0</del>	<del>\$105</del>
Veterinary Technician Regular License	<del>\$51</del> <u>35</u>	<del>\$0</del>	<del>\$51</del>
Veterinary Technician Inactive License	<del>\$28</del> <u>25</u>	<del>\$0</del>	<del>\$28</del>

(2) Expired License Renewals – Less Than 90 Days Delinquent

Type Of License	Board Fees	Professional Fees	Total Fee
Veterinary Regular License	<del>\$250</del> <u>234</u>	<del>\$200</del>	<del>\$450</del>
Veterinary Special License	<del>\$245</del> <u>259</u>	<del>\$200</del>	<del>\$445</del>
Veterinary Inactive License	<del>\$250</del> <u>155</u>	<del>\$0</del>	<del>\$250</del>
Equine Dental Provider License	<del>\$305</del> <u>95</u>	<del>\$0</del>	<del>\$305</del>
Equine Dental Provider Inactive License	<del>\$155</del> <u>80</u>	<del>\$0</del>	<del>\$155</del>
Veterinary Technician Regular License	<del>\$74</del> <u>50</u>	<del>\$0</del>	<del>\$74</del>
Veterinary Technician Inactive License	<del>\$40</del> <u>35</u>	<del>\$0</del>	<del>\$40</del>

(3) Expired License Renewals – Greater Than 90 Days and Less Than 1 Year Delinquent

Type Of License	Board Fees	Professional Fees	Total Fee
Veterinary Regular License	<del>\$331</del> <u>309</u>	<del>\$200</del>	<del>\$531</del>
Veterinary Special License	<del>\$326</del> <u>344</u>	<del>\$200</del>	<del>\$526</del>
Veterinary Inactive License	<del>\$331</del> <u>205</u>	<del>\$0</del>	<del>\$331</del>
Equine Dental Provider License	<del>\$405</del> <u>125</u>	<del>\$0</del>	<del>\$405</del>
Equine Dental Provider Inactive License	<del>\$205</del> <u>105</u>	<del>\$0</del>	<del>\$205</del>
Veterinary Technician Regular License	<del>\$97</del> <u>65</u>	<del>\$0</del>	<del>\$97</del>
Veterinary Technician Inactive License	<del>\$51</del> <u>45</u>	<del>\$0</del>	<del>\$51</del>

(c) SPECIALIZED LICENSE CATEGORIES

Type Of License	Total Fee
-----------------	-----------

Veterinary Reinstatement	<del>\$370</del> <u>250</u>
Veterinary Re-Activation	<del>\$225</del> <u>150</u>
Equine Dental Provider Re-Activation	\$25
Veterinary Technician Re-Activation	\$25

(d) OTHER FIXED FEES AND CHARGES

(1) Criminal History Evaluation Letter: \$32

(2) Returned Check Fee: \$25

(3) Duplication of License: \$40

(4) Open Records Requests: Charges for all open records and other goods/services such as tapes and discs, will be in accordance with the Office of the Attorney General 1 TAC §§§70.1 - 70.12 (relating to Cost of Copies of Public Information)

(5) Application Processing for Board Approval of Equine Dental Provider Certifying Entities: \$1500

(6) Letter of Good Standing: \$25

(7) Continuing Education Approval Review Process: \$25

(8) Continuing Education Approval Review submitted less than 30 days prior to the continuing education event: \$50